

1 Steven L. Weinstein
2 steveattorney@comcast.net
3 P.O. Box 27414
4 Oakland, California 94602
5 Telephone (510) 336-2181

6 Additional Attorneys appearing on Signature Page

7 *Attorneys for Plaintiff and the Classes*

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 **LOUIS FLOYD**, individually and on behalf
13 of all others similarly situated,

14 Plaintiff,

15 v.

16 **SARATOGA DIAGNOSTICS, INC.**, a
17 California Corporation, and **THOMAS**
18 **PALLONE**, an individual,

19 Defendant.

Case No. 5:20-cv-01520-LHK

**STATUS REPORT AND REQUEST TO
VACATE CASE MANAGEMENT
CONFERENCE**

20 Plaintiff Louis Floyd (“Floyd” or “Plaintiff”) provides the following status report and
21 requests that the Court vacate the case management conference scheduled for October 27, 2021, at
22 2:00 p.m. In support of this request, Plaintiff states as follows:

23 1. Plaintiff filed his Class Action Complaint (“Complaint”) on March 1, 2020, against
24 Saratoga Diagnostics, Inc. (“Saratoga”) and Thomas Pallone (“Pallone”) (collectively
25 “Defendants”). (Dkt. 1.)

26 2. On March 2, 2020 the Court issued summonses directed to Defendants. (Dkt. 5.)

27 3. The Court deemed service on Pallone sufficient on July 13, 2020. (Dkt. 24)

28 4. Plaintiff served Saratoga via the California Secretary of State on August 17, 2020
(dkt. 27), placing its deadline to respond to Plaintiff’s Complaint on September 8, 2020.

5. Neither defendant appeared nor responded to Plaintiff’s Complaint in any fashion.

STATUS REPORT AND REQUEST TO VACATE CASE MANAGEMENT CONFERENCE

One of Plaintiff's Attorneys

Steven L. Weinstein
steveattorney@comcast.net
P.O. Box 27414
Oakland, CA 94602
Telephone: (510) 336-2181

Patrick H. Peluso (*admitted pro hac vice*)
ppeluso@woodrowpeluso.com
Taylor T. Smith (*admitted pro hac vice*)
tsmith@woodrowpeluso.com
Woodrow & Peluso, LLC
3900 East Mexico Avenue, Suite 300
Denver, Colorado 80210
Telephone: (720) 213-0676
Facsimile: (303) 927-0809

Counsel for Plaintiff and Putative Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on October 20, 2021.

/s/ Taylor T. Smith